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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,162	03/10/2004	John R. Pendray	S01.12-1010/STL 11723	4071

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EXAMINER

RENNER, CRAIG A

ART UNIT PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/797,162

Applicant(s)

PENDRAY ET AL.

Examiner

Craig A. Renner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-28 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-17, 21-28 and 41-51 is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 February 2007 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In lines 1-2 of claim 18, "wherein the responsive aeroelastic deposit is comprised on at least a portion of a side surface of the slider" in combination with "wherein the responsive aeroelastic deposit comprises at least a portion of a convergent channel," as set forth in lines 9-10 of independent base claim 10, is indefinite as it is misdescriptive of the disclosure, which details/shows that the responsive aeroelastic

deposit is at most adjacent to at least a portion of a side surface of the slider in the embodiment(s) (FIG. 4, for instance) where the responsive aeroelastic deposit comprises at least a portion of a convergent channel (emphasis added). Note that the embodiment shown in FIG. 10 details that the responsive aeroelastic deposit is comprised on at least a portion of a side surface of the slider, but does not detail that the responsive aeroelastic deposit comprises at least a portion of a convergent channel.

b. In lines 1-2 of claim 19, “wherein the responsive aeroelastic deposit is comprised on at least a portion of a leading surface of the slider” in combination with “wherein the responsive aeroelastic deposit comprises at least a portion of a convergent channel,” as set forth in lines 9-10 of independent base claim 10, is indefinite as it is misdescriptive of the disclosure, which details/shows that the responsive aeroelastic deposit is at most adjacent to at least a portion of a leading surface of the slider in the embodiment(s) (FIG. 4, for instance) where the responsive aeroelastic deposit comprises at least a portion of a convergent channel (emphasis added). Note that the embodiment shown in FIG. 10 details that the responsive aeroelastic deposit is comprised on at least a portion of a leading surface of the slider, but does not detail that the responsive aeroelastic deposit comprises at least a portion of a convergent channel.

c. In lines 1-2 of claim 20, “wherein the responsive aeroelastic deposit is comprised on at least a portion of a trailing surface of the slider” in combination with “wherein the responsive aeroelastic deposit comprises at least a portion of a convergent channel,” as set forth in lines 9-10 of independent base claim 10, is indefinite as it is misdescriptive of the disclosure, which details/shows that the responsive aeroelastic

deposit is at most adjacent to at least a portion of a trailing surface of the slider in the embodiment(s) (FIG. 4, for instance) where the responsive aeroelastic deposit comprises at least a portion of a convergent channel (emphasis added). Note that the embodiment shown in FIG. 10 details that the responsive aeroelastic deposit is comprised on at least a portion of a trailing surface of the slider, but does not detail that the responsive aeroelastic deposit comprises at least a portion of a convergent channel.

Allowable Subject Matter

4. Claims 2-17, 21-28 and 41-51 are allowable over the prior art of record. Claims 18-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

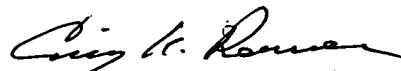
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Craig A. Renner
Primary Examiner
Art Unit 2627

CAR